



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

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Executive Director

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November 2, 1995

Robert Steele
1055 North 4th East
Nephi, Utah 84648

Re: Approval of Permit Amendment, Gardner Canyon Gypsum Mine, S/023/015, Juab County, Utah

On January 26, 1995, the Division received a permit amendment, attached to your 1994 annual report form, for the above referenced mining operation. The review of this amendment was suspended on March 1, 1995 pending the final decision by the U.S. Forest Service (USFS) on the EIS for the project. Since then, the final USFS decision document has been issued and the appeal window has closed. The Division has completed its review of this amendment. We acknowledge the continued litigation between you and the Forest Service.

The current small mining notice identifies approximately 4.96 acres of projected disturbance on the disturbed area map. It is our understanding that by implementing this amendment (use of a 'reclaim machine' to mine the gypsum), you will effectively reduce the overall projected mine site disturbance by approximately 1 acre (for a total of 3.96 acres). If these acreage assumptions are incorrect, please notify us in writing at your earliest convenience. The Division has seen the effectiveness of this type of equipment at your Levan gypsum property and hereby approves of this permit amendment.

Please note, the Division includes all mining related disturbances (pits, pads, roads, etc.) as part of the 5-acre limit for conducting small mining operations. Before you can expand beyond 5-acres of surface disturbance, you are reminded that you will need to submit and receive Division approval of a Notice of Intention to Conduct Large Mining Operations.

If you have any questions regarding this action, please don't hesitate to call me or Lynn Kunzler of my staff. We have enclosed a copy of our April 10, 1995, USFS Record of Decision comments for your information and files.

Sincerely,

D. Wayne Hedberg
Permit Supervisor
Minerals Reclamation Program

enclosure

jb

cc: Mark Sensibaugh, USFS
Lowell Braxton, DOGM
Lynn Kunzler, DOGM

S023015.amd





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April 10, 1995

Peter W. Karp
Forest Supervisor
Uinta National Forest
88 West 100 North
Provo, Utah 84601

Re: Comments on Record of Decision, Gardner Canyon Gypsum Mine, S/023/015, Juab County, Utah

Dear Mr. Karp:

On March 9, 1995, the Division received a copy of your Record of Decision (ROD) for the Gardner Canyon Gypsum Mine located in Juab County, Utah. A review of this document by my staff has noted a few items that require further clarification. This letter should not be considered an appeal to the ROD, but only a request for clarification as to the Division's position/role in permitting of the Gardner Canyon Mine.

Presently, the Gardner Canyon Mine has a valid Small Mining Operation permit application on file with our office. Our small mining rules do not allow us to require the level of detailed operational and reclamation plans as you have outlined under the Forest Service ROD and Special Use Permit. When an operator anticipates that his small mining operation will exceed five acres of surface disturbance, a Large Mining Operation Notice of Intention (LMO) must be filed with this office. The large mining rules do allow us to require detailed operational and reclamation plans, impact assessments, appropriate mitigation measures and a reclamation surety. Before a small mining operator's disturbed area actually exceeds the five-acre threshold, a large mining permit must be filed with and approved by this Division. The operator must continue to mine within the five-acre disturbed area until the LMO is approved.

Much of what is required as conditions of the proposed Special Use Permit would be required by the Division as part of the LMO permitting and approval process. While the Division agrees that, as the surface land managing agency, you are authorized to require reasonable plans and mitigation for any mining operation, the Division cannot enforce the provisions of your Special Use Permit that are beyond the requirements of the mine's present SMO status. Once the operator files a Large Mining Notice with our office, your conditions can and should be made part of the LMO plan.

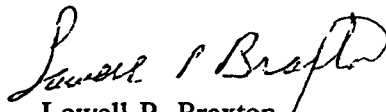
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Peter W. Karp
S/023/015
April 10, 1995

The ROD indicates that the USFS expects the Division to closely monitor the mining operation for compliance with the conditions as outlined in your special use permit. Until the operation reaches a LMO status, and/or the Division enters into a special working agreement with the USFS, we are not in a position to enforce the standards of your special use permit. We will invite the USFS to participate when we schedule onsite inspections and we will continue to provide copies of our inspection reports and other pertinent permitting correspondence between the Division and the operator.

The Division appreciates your staff's continued cooperation and assistance in helping us jointly manage mining operations on Forest Service lands. We want to maintain this good working relationship and will do what we can under our present regulatory jurisdiction to assure mining operations are conducted in accordance with the appropriate mining rules and regulations.

Thank you for this opportunity to provide comment on this federal permitting action. Please contact me or Wayne Hedberg of my staff if you would like to discuss these matters in more detail.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

jb
pc: Mark Sensibaugh, Asst Dist Ranger, Spanish Fork RD, Uinta NF
Wayne Hedberg, DOGM (route)
USFS.rod